

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2169 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHAWDA JODHABHAI SARMANBHAI

Versus

STATE OF GUJARAT

Appearance:

MR RV SAMPAT for Petitioner

MR. BD DESAI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 24/10/96

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. B D Desai,
Ld. AGP for the respondents.

2. It appears that the impugned decision is taken basically on account of the fact that the petitioner did not remain present and did not produce evidence regarding the fact that he belongs to schedules tribe. The

explanation of the petitioner is that according to him the matter was sub-judice in Regular Civil Suit No. 761/1989 before the Court of the Civil Judge (S.D.), Junagadh.

3. The petitioner is now agreeable to appear before the authority, namely Director of Scheduled Caste Development, State of Gujarat, Gandhinagar. It would, therefore, be just and proper if decision is taken by the said authority after hearing the petitioner. Hence, bearing in mind the facts of the petitioner's case and in particular the explanation noted hereinabove, the impugned order dated 14/12/1995 is hereby quashed and set aside and the matter is revived before the aforesaid authority, who will intimate the petitioner the date of hearing so as to enable the petitioner to produce his evidence and have his say in the matter. It is made clear to the petitioner that if now he commits default in appearing and producing evidence before the concerned authority, no indulgence might again be shown.

Rule made partly absolute in the aforesaid directions. No order as to cost.

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